

Chart 1 to Exhibit D

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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 * * *

11 VOIP-PAL.COM, INC, a Nevada corporation,
12
13 Plaintiff,
14 v.
15 TWITTER, INC, a California corporation,
16
17 Defendants.

CASE NO.:

CHART 1

**ASSERTED CLAIMS AND
INFRINGEMENT CONDITIONS**

18 **CHART 1**

19
20 **CHART SUPPORTING ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**
21 **CONCERNING U.S. PATENT NO. 8,542,815**

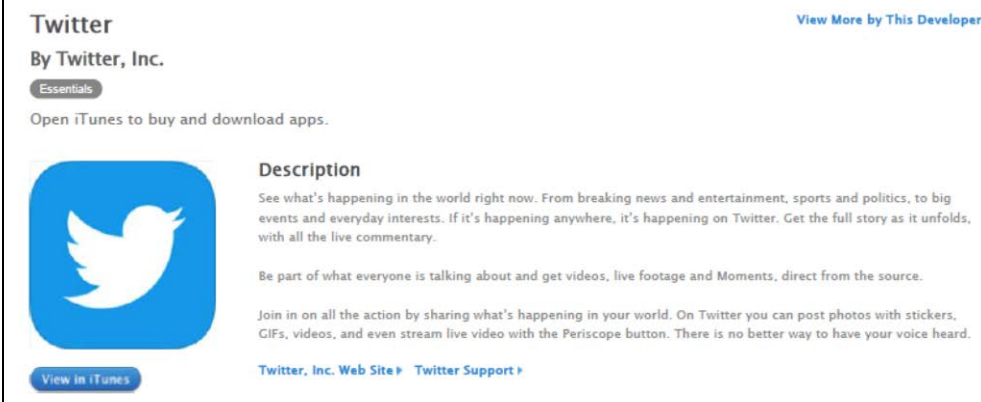
22 Twitter, Inc. (“Twitter”) operates and supports a messaging platform (the “Twitter System”) that includes desktop computers, laptops, tablets and mobile devices such as smartphones, software applications running on mobile devices, and servers and gateways communicating with such devices.
23
24 The Twitter System allows smartphone, tablet, laptop and desktop users to send messages that are
25 routed to other users. Twitter directly or indirectly (e.g., through its subsidiaries, affiliates, partners
26 and/or other intermediaries) practices certain claims of U.S. Patent 8,542,815 (the “815 patent”) as
27 illustrated in the chart below.
28

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The Twitter System allows devices to initiate a communication between a caller and a callee. In the case of messages referred to as “Mentions” (in which one or more Twitter users is identified in the message, such as a “Reply Tweet” or a “Re-Tweet”) and “Direct Messages” (in which one or more Twitter users are identified as the recipient(s) of a direct message), a callee identifier (e.g., username) is part of the message. A profile that includes calling attributes associated with the caller is used as part of the process that classifies the communication using public and/or private network classification criteria. For example, the message can be delivered to the callee using the public SMS network and/or over a private network to an application running on a mobile device.

This chart applies claims 1, 27, 28, 54, 72 – 74, 92, 93 and 111 of the ‘815 Patent to the Twitter System

U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
1. [1p] A process for operating a call routing controller to facilitate communication between callers and callees in a system comprising a plurality of nodes with which callers and callees are associated, the process comprising:	<p>The Twitter System includes a call routing controller to facilitate communication between callers and callees in a system comprising a plurality of nodes with which callers and callees are associated.</p> <p>The Twitter System offers messaging services through its Web-based application, its mobile applications and through SMS messaging. A Twitter application is available for iOS and for Android, and Twitter also allows smartphones to send and receive messages using SMS messages. Twitter communications between a caller and a callee include Direct Messages (in which at least one Twitter user is identified as the recipient of the message), and Mentions (in which one or more Twitter users are identified in the message). Mentions (e.g., Reply Tweets and Re-Tweets) may be delivered to the user identified in the message as a “notification”.</p> 

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
	 <p style="text-align: center;">Notifications delivered as SMS text messages</p> <p>Once you have a phone number attached to your account, you may choose to receive notifications delivered as SMS text messages alerting you to activity around your account (like Retweets, mentions, likes, etc.). If you don't have a phone number attached to your account, you can find instructions here (/articles/110250).</p> <p>You can adjust your SMS notification settings:</p> <ul style="list-style-type: none"> • Logged in on the web at twitter.com • Via SMS text message <p style="text-align: center;">Choose between two types of notifications</p> <p>You can opt to have mobile notifications delivered in one of two ways:</p> <ul style="list-style-type: none"> • SMS text messages SMS instructions (/articles/20169920) Note: You'll need to add a phone number (/articles/110250) to your account to receive SMS text messages. • Push notifications iOS instructions Android instructions <p>The Twitter System uses a call routing controller that includes one or more Twitter servers and/or gateways. The Twitter System utilizes a plurality of nodes with which callers and callees are associated.</p> <p>The call routing controller includes one or more processors and memories encoded with executable instruction codes for causing the Twitter application and the Twitter servers and/or gateways to operate.</p>
[1a] in response to initiation of a call by a calling	The Twitter System receives a caller identifier and a callee identifier in response to initiation of a call by a calling subscriber.

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
subscriber, receiving a caller identifier and a callee identifier;	A Direct Message and a Mention can be initiated through the Twitter application and through an SMS application on a mobile device. In the Twitter System, the caller identifier includes the Twitter username or other identifier of the caller. The Direct Message or Mention includes a callee identifier, such as a Twitter username or other identifier of the callee.
[1b] locating a caller dialing profile comprising a username associated with the caller and a plurality of calling attributes associated with the caller;	<p>The Twitter System locates a caller dialing profile comprising a username associated with the caller and a plurality of calling attributes associated with the caller.</p> <p>A caller dialing profile, including the calling attributes, includes information associated with the caller, the information being used in the classification of a communication, such as settings stored on the mobile device and information stored on Twitter servers. Examples of calling attributes are: 1. the list of users that are currently following the caller, 2. the list of users that are blocked by the caller, and 3. the security and privacy settings for the caller including whether Tweets are public or protected.</p>
[1c] determining a match when at least one of said calling attributes matches at least a portion of said callee identifier;	<p>The Twitter System determines a match when at least one of the calling attributes matches at least a portion of the callee identifier.</p> <p>The Twitter System matches at least one of the calling attributes and at least a portion of the callee identifier. For example, the Twitter username or other identifier of the callee is compared with the list of users that are currently following the caller and/or with the list of users that are currently blocked by the caller.</p>
[1d] classifying the call as a public network call when said match meets public network classification criteria and classifying the call as a private network call when said match meets private network classification	<p>The Twitter System classifies the call as a public network call when the match meets public network classification criteria and classifies the call as a private network call when the match meets private network classification criteria.</p> <p>The Twitter System allows messages to be sent over a private network to a Twitter application and using the public SMS network. Private network classification criteria represents sending the message using a private network to a Twitter application. Public network classification criteria represents sending the message using the public SMS network. The calling attributes are used to establish the network classification criteria.</p> <p>One example of calling attributes being used to establish network classification criteria is the use of the list of users that are currently following the caller. For example, if the callee is a follower of the caller and if the callee has configured their Twitter application to receive notifications, then</p>



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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
<p>criteria;</p>	<p>the message will be sent to the callee over a private network. If the callee is a follower of the caller and the callee has configured their Twitter account to receive SMS notifications, then the message will be sent to the callee using the public SMS network.</p> <p style="text-align: center;">About Direct Messages</p> <p>Direct Messages are the private side of Twitter. You can use Direct Messages to have private conversations with Twitter users about Tweets and other content.</p> <p>The basics</p> <ul style="list-style-type: none"> • You can start a private conversation or create a group conversation with anyone who follows you. <p>Another example of calling attributes being used to establish network classification criteria is the use of the list of users that are blocked by the caller. For example, if the callee is not blocked by the caller and the callee has configured their Twitter application to receive notifications, then the message will be sent to the callee over a private network. If the callee is not blocked by the caller and the callee has configured their Twitter account to receive SMS notifications, then the message will be sent to the callee over the public SMS network.</p> <ul style="list-style-type: none"> • In both group and one-on-one conversations, you cannot be in a conversation with someone <p>Another example of calling attributes being used to establish network classification criteria is the use of the security and privacy settings for the caller. For example, if the caller has designated that their Tweets are public or if the caller has designated that their Tweets are protected and the callee is a follower of the caller, and if the callee has configured their Twitter application to receive notifications, then the message will be sent to the callee over a private network. If the caller has designated that their Tweets are public or if the caller has designated that their Tweets are protected and the callee is a follower of the caller, and if the callee has configured their Twitter account to receive SMS notifications, then the message will be sent to the callee over the public SMS network.</p>

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Claim	Accused Device/Instrumentality
	<p>When you protect your Tweets:</p> <ul style="list-style-type: none"> • You'll receive a request when new people want to follow you, which you can approve or deny. Learn more (/articles/20169376). • Your Tweets, including permanent links to your Tweets (/articles/80586), will only be visible to your followers. • Your followers will not be able to use the Retweet button to Retweet or quote your Tweets. Learn more (/articles/77606#protectedtweets_notretweeted). • Protected Tweets will not appear in third-party search engines (like Google search or Bing). • Your protected Tweets will only be searchable on Twitter by you and your followers. • Replies you send to an account that isn't following you will not be seen by that account (because only your followers will see your Tweets).
<p>[1e] when the call is classified as a private network call, producing a private network routing message for receipt by a call controller, said private network routing message identifying an address, on the private network, associated with the callee;</p>	<p>The Twitter System produces a private network routing message for receipt by a call controller that identifies an address, on the private network, associated with the callee, when the call is classified as a private network call.</p> <p>The Twitter application routing is based on push notifications to iOS or Android. Reply Tweets and Direct Messages are routed, e.g., to the smartphone of the callee using cellular data or Wi-Fi networks, over a private network using TCP/IP.</p> <p>Push notifications delivered through the Twitter for iOS app: To view Tweet notifications from accounts you follow:</p> <ol style="list-style-type: none"> 1. From your profile, tap the gear icon  2. Select Settings. 3. Under Notifications, tap Mobile notifications. 4. Tap Tweets. <p>Push notifications delivered through the Twitter for Android app: To view Tweet notifications from accounts you follow:</p> <ol style="list-style-type: none"> 1. In the top menu, you will either see a navigation menu icon  or your profile icon. Tap whichever icon you have and select Settings. 2. Under Notifications, tap Mobile notifications. 3. Tap Tweets.
<p>[1f] when the call is classified as a public network call, producing a public network routing message</p>	<p>The Twitter System produces a public network routing message for receipt by the call controller that identifies a gateway to the public network, when the call is classified as a public network call.</p> <p>If a message is sent using the public SMS network, then the Twitter servers route the message using an SMS gateway to the SMS network.</p>

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U.S. Patent No. 8,542,815																
Claim	Accused Device/Instrumentality															
<p>for receipt by the call controller, said public network routing message identifying a gateway to the public network.</p>	<p>Twitter's supported mobile carriers</p> <table border="1"> <thead> <tr> <th>Country</th> <th>Mobile Operator</th> <th>ShortCode</th> <th>Supporting: SMS MMS</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>...</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>US</td> <td></td> <td>40404</td> <td>✓</td> <td>SMS support for all US carriers and Google Voice numbers; MMS Support for AT&T, Verizon, C Spire, US Cellular, MetroPCS</td> </tr> </tbody> </table> <p>Notifications delivered as SMS text messages</p> <p>Once you have a phone number attached to your account, you may choose to receive notifications delivered as SMS text messages alerting you to activity around your account (like Retweets, mentions, likes, etc.). If you don't have a phone number attached to your account, you can find instructions here (/articles/110250).</p> <p>You can adjust your SMS notification settings:</p> <ul style="list-style-type: none"> • Logged in on the web at twitter.com • Via SMS text message 	Country	Mobile Operator	ShortCode	Supporting: SMS MMS	Notes	...					US		40404	✓	SMS support for all US carriers and Google Voice numbers; MMS Support for AT&T, Verizon, C Spire, US Cellular, MetroPCS
Country	Mobile Operator	ShortCode	Supporting: SMS MMS	Notes												
...																
US		40404	✓	SMS support for all US carriers and Google Voice numbers; MMS Support for AT&T, Verizon, C Spire, US Cellular, MetroPCS												
<p>27. [27p] A non-transitory computer readable medium encoded with codes for directing a processor to execute a method of operating a call routing controller to facilitate communication between callers and callees in a system comprising a plurality of nodes with which callers and</p>	<p>The Twitter System includes a non-transitory computer readable medium encoded with codes for directing a processor to execute a method of operating a call routing controller to facilitate communication between callers and callees in a system comprising a plurality of nodes with which callers and callees are associated.</p> <p>See claim element [1p].</p>															

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
<p>callees are associated, the method comprising:</p>	
<p>[27a] in response to initiation of a call by a calling subscriber, receiving a caller identifier and a callee identifier;</p>	<p>See claim element [1a].</p>
<p>[27b] locating a caller dialing profile comprising a username associated with the caller and a plurality of calling attributes associated with the caller;</p>	<p>See claim element [1b].</p>
<p>[27c] determining a match when at least one of said calling attributes matches at least a portion of said callee identifier;</p>	<p>See claim element [1c].</p>
<p>[27d] classifying the call as a public network call when said match meets public network classification criteria and classifying the call as a private</p>	<p>See claim element [1d].</p>

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
network call when said match meets private network classification criteria;	
[27e] when the call is classified as a private network call, producing a private network routing message for receipt by a call controller, said private network routing message identifying an address, on the private network, associated with the callee; and	See claim element [1e].
[27f] when the call is classified as a public network call, producing a public network routing message for receipt by a call controller, said public network routing message identifying a gateway to the public network.	See claim element [1f].
28. [28p] A call routing apparatus for facilitating	The Twitter System includes a call routing apparatus for facilitating communications between callers and callees in a system comprising a plurality of nodes with which callers and callees are associated.

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Claim	Accused Device/Instrumentality
communications between callers and callees in a system comprising a plurality of nodes with which callers and callees are associated, the apparatus comprising:	See claim element [1p].
[28a] receiving means for receiving a caller identifier and a callee identifier, in response to initiation of a call by a calling subscriber;	See claim element [1a].
[28b] means for locating a caller dialing profile comprising a username associated with the caller and a plurality of calling attributes associated with the caller;	See claim element [1b].
[28c] means for determining a match when at least one of said calling attributes matches at least a portion of said callee identifier;	See claim element [1c].

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
[28d] means for classifying the call as a public network call when said match meets public network classification criteria;	See claim element [1d].
[28e] means for classifying the call as a private network call when said match meets private network classification criteria;	See claim element [1d].
[28f] means for producing a private network routing message for receipt by a call controller, when the call is classified as a private network call, said private network routing message identifying an address, on the private network, associated with the callee; and	See claim element [1e].
[28g] means for producing a public network routing message for receipt by a call controller,	See claim element [1f].

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Claim	Accused Device/Instrumentality
when the call is classified as a public network call, said public network routing message identifying a gateway to the public network.	
54. [54p] A process for operating a call routing controller to establish a call between a caller and a callee in a communication system, the process comprising:	The Twitter System and the carrier system includes a call routing controller to establish a call between a caller and a callee in a communication system. See claim element [1p].
[54a] in response to initiation of a call by a calling subscriber, locating a caller dialing profile comprising a plurality of calling attributes associated with the caller; and	See claim element [1b].
[54b] when at least one of said calling attributes and at least a portion of a callee identifier associated with the callee match and when the	See claim elements [1c], [1d].

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Claim	Accused Device/Instrumentality
match meets a private network classification criterion,	
[54c] producing a private network routing message for receipt by a call controller, said private network routing message identifying an address, on a private network, the address being associated with the callee; and	See claim element [1e].
[54d] when at least one of said calling attributes and said at least said portion of said callee identifier associated with the callee match and when the match meets a public network classification criterion,	See claim elements [1c], [1d].
[54e] producing a public network routing message for receipt by a call controller, said public network routing message identifying a	See claim element [1f].

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Claim	Accused Device/Instrumentality
gateway to a public network.	
72. The process of claim 54 further comprising causing the private network routing message or the public network routing message to be communicated to a call controller to effect routing of the call.	The Twitter System causes the private network routing message or the public network routing message to be communicated to a call controller to effect routing of the call.
73. A non-transitory computer readable medium encoded with codes for directing a processor to execute the method of claim 54.	The Twitter System include a non-transitory computer readable medium encoded with codes for directing a processor to execute the method of claim 54. See claim elements [54p], [54a], [54b], [54c], [54d] and [54e].
74. [74p] A call routing controller apparatus for establishing a call between a caller and a callee in a communication system, the apparatus comprising:	The Twitter System and the carrier system include a call routing controller apparatus for establishing a call between a caller and a callee in a communication system. See claim clement [1p].
[74a] a processor	The Twitter System and the carrier system includes machines with processors

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
operably configured to:	at multiple Twitter locations, including servers and gateways accessible over local and wide area networks.
[74b] access a database of caller dialing profiles wherein each dialing profile associates a plurality of calling attributes with a respective subscriber, to locate a dialing profile associated with the caller, in response to initiation of a call by a calling subscriber; and	The Twitter System and the carrier system includes a database of caller dialing profiles, each associating a plurality of calling attributes with a respective subscriber, the database being operable to locate a dialing profile associated with the caller, in response to initiation of a call by a calling subscriber. See claim elements [1a], [1b].
[74c] produce a private network routing message for receipt by a call controller, said private network routing message identifying an address, on a private network, through which the call is to be routed,	See claim element [1e].
[74d] when at least one of said calling attributes and at least a portion of a callee identifier associated with	See claim elements [1c], [1d].

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Claim	Accused Device/Instrumentality
the callee match and when the match meets a private network classification criterion, the address being associated with the callee; and	
[74e] produce a public network routing message for receipt by a call controller, said public network routing message identifying a gateway to a public network,	See claim element [1f].
[74f] when at least one of said calling attributes and said at least said portion of said callee identifier associated with the callee match and when the match meets a public network classification criterion.	See claim elements [1c], [1d].
92. The apparatus of claim 74 wherein said processor is further operably configured to cause the private	The Twitter System causes the private network routing message or the public network routing message to be communicated to a call controller to effect routing of the call.

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Claim	Accused Device/Instrumentality
network routing message or the public network routing message to be communicated to a call controller to effect routing of the call.	
93. [93p] A call routing controller apparatus for establishing a call between a caller and a callee in a communication system, the apparatus comprising:	The Twitter System includes a call routing controller apparatus for establishing a call between a caller and a callee in a communication system. See claim element [1p].
[93a] means for accessing a database of caller dialing profiles wherein each dialing profile associates a plurality of calling attributes with a respective subscriber, to locate a dialing profile associated with the caller, in response to initiation of a call by a calling subscriber; and	See claim element [74b].
[93b] means for	See claim element [74c].

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
producing a private network routing message for receipt by a call controller, said private network routing message identifying an address, on a private network, through which the call is to be routed,	
[93c] when at least one of said calling attributes and at least a portion of a callee identifier associated with the callee match and when the match meets a private network classification criterion, the address being associated with the callee; and	See claim element [74d].
[93d] means for producing a public network routing message for receipt by a call controller, said public network routing message identifying a gateway to a public network	See claim element [74e].

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U.S. Patent No. 8,542,815	
Claim	Accused Device/Instrumentality
<p>[93e] when at least one of said calling attributes and said at least said portion of said callee identifier associated with the callee match and when the match meets a public network classification criterion.</p>	<p>See claim element [74f]</p>
<p>111. The apparatus of claim 93 further comprising means for causing the private network routing message or the public network routing message to be communicated to a call controller to effect routing of the call.</p>	<p>The Twitter System causes the private network routing message or the public network routing message to be communicated to a call controller to effect routing of the call.</p>